MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2021/2022

UMY 1622 – MALAYSIAN LEGAL SYSTEM II

(All Sections / Groups)

10th AUGUST 2022

Reading Time: 9.00 am – 9.15 am
(15 Minutes)
Answering Time: 9.15 am – 12.15 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. **Attempt Four Questions out of Five.** All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue:

   i. Courts of Judicature Act 1964
   ii. Federal Constitution of Malaysia
   iii. Criminal Procedure Code

   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided

QUESTION 1

a. What are the superior courts and why they are so called? Discuss the jurisdiction and powers of the superior courts in Malaysia

(12 Marks)

b. Explain what is meant by supervisory, revisionary, and review powers of the Superior courts.

(13 Marks)
(Total: 25 Marks)

QUESTION 2

One of the significant Federal Constitution amendments in 1988 was the inclusion of new clause (1A) into Article 121 that stated: "The courts referred to in Clause (1) shall have no jurisdiction in respect of any matter within the jurisdiction of the Syariah courts."

Discuss the conflicts arising from this amendment; your answer should be illustrated with relevant law cases.

(Total: 25 marks)

QUESTION 3

a. Akmal has recently been dismissed by his employer without any prior notice. However, Akmal does not have the financial power to hire a legal representation.

Discuss the eligibility of Akmal for Legal Aid from Jabatan Bantuan Guaman (JBG).

(10 Marks)

b. Discuss the procedure for application of legal aid from JBG in Criminal and Civil Proceeding.

(15 Marks)
(Total: 25 Marks)

Continued...

QUESTION 4

a. While walking home after his football training one evening, a man suddenly ran past Saka and he heard a woman screaming "Help please! Snatch thief!" Saka sprang into action and tackled the man and subdued him. He proceeded to handcuff the man and brought him to the police station.

Discuss the validity of Saka's action.

(10 marks)

b. The accused is presumed innocent until proven guilty at the trial. As a general rule, the accused may apply for bail after being charged but before the trial. Discuss.

(15 Marks)
(Total: 25 marks)

QUESTION 5

The Attorney General is said to be one of the most powerful people in Malaysia. There have always been constant calls to separate the duties of Attorney General and Public Prosecutor, and that the relevant provisions of the Federal Constitution should be amended so that the Attorney General can be made answerable to the parliament.

Discuss the statement above

(Total: 25 marks)

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